

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RUSTY HAYNES, Individually and on
Behalf of All Others Similarly Situated,

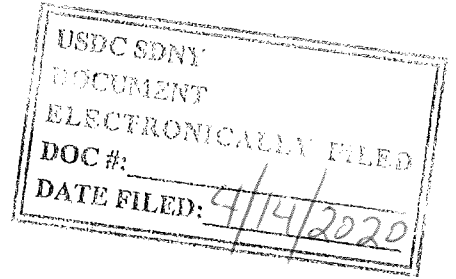
Plaintiff,

v.

CHASE BANK USA, N.A.,

Defendant.

Case No. 7:18-CV-03307



~~PROPOSED~~ ORDER ALLOWING SECOND DISTRIBUTION & CY PRES AWARD

WHEREAS, by Order dated August 24, 2018, the Court approved the class-action settlement in the above-captioned matter;

WHEREAS, the Settlement Agreement included an \$11.5 million Settlement Fund for distribution to the Settlement Class, in addition to other relief;

WHEREAS, distributions from the Settlement Fund were made in the manner set forth in the Settlement Agreement; however, following a first round of distributions, 781 of the checks sent to Class Members remain uncashed, resulting in \$404,501.66 remaining in the Settlement Fund;

WHEREAS, in order to maximize the relief to the Class, the Parties have agreed to redistribute the money remaining in the Settlement Fund, less the anticipated cost of a second distribution, on a *pro rata* basis to Class Members who cashed their first Distribution Claim check;

WHEREAS, the Parties have requested that the Court approve the State University of New York (SUNY) School of Social Welfare and the National Foundation for Credit Counseling (NFCC) as *cy pres* recipients for any funds remaining after that second distribution.

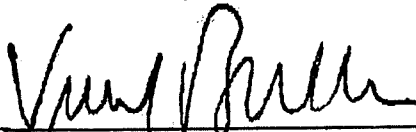
NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The Parties shall redistribute the money remaining in the Settlement Fund, less the anticipated cost of a second distribution, on a *pro rata* basis to Class Members who cashed their first Distribution Claim check.
2. Should there be a balance remaining in the Settlement Fund following the second distribution, after all costs are paid and after the deadline for cashing checks has passed, the Court approves the SUNY School of Social Welfare and the NFCC as *cy pres* recipients, each to receive 50% of money remaining in the Settlement Fund.
3. The Court finds that, after the second distribution, a *cy pres* award would be consistent with the objectives underlying this litigation. The Court further finds that the designated organizations' interests are aligned with the interests of the Plaintiff and the Class.

Dated: April 14, 2020

SO ORDERED.

Hon. Vincent Briccetti
U.S. District Judge


Vincent L. Briccetti, U.S. D.J.

[4. The Clerk is instructed to terminate the motion. (Doc. # 24).